

IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

Martha Bell, debtor
Petitioner - Appellant

v
Ronda J. Winnecoor,
Bankruptcy Trustee
Respondent - Appellee

2019 JUL 10 P 1:53
Case No. 18-23089-GLT
CLERK
U.S. BANKRUPTCY COURT
PITTSBURGH

Motion To Appeal Decision of Bankruptcy
Court of June 5, 2019 To Dismiss Chapter 13
Bankruptcy Case And To Request a Stay Until
Appeal Is Decided

AND NOW COMES Martha Bell, Debtor, Petitioner
Pro Se who is elderly, disabled and who has no legal
experience or law schooling to petition this Honorable
Court to grant the above Motion because she has
been denied access to participate in the decision
of the Bankruptcy Court because no records including
Court decisions/orders have been sent to her either
by her Legal Counsel Rodney Shepherd or by the
Bankruptcy Court.

Also, the Debtor, petitioner was not afforded
the opportunity to testify at the June 5, 2019
hearing even though she had permission to testify
via telephone from Deputy Francis at the SCI
Muncy where debtor, petitioner is currently incarcerated.

She is experiencing a legal disability.

She is at the age of 73 years a victim of multiple due process violations because of the actions of judicial bias and ineffective assistance of counsel.

Petitioner, debtor has been severely and irreparably harmed by the discriminatory actions of the Court and her counsel.

She has sufficient equity in her house which has been appraised at a minimum of \$200,000⁰⁰ as of the Bankruptcy Creditors Meeting of December 17, 2018 and also has an appraisal based on Zillow's calculations of over \$220,000⁰⁰. She has cash assets of \$33,000⁰⁰ held by Patricia Deliman who Petitioner, Debtor has asked in her written Exhibit A attached the Court to compel her to turn the funds over to the Trustee. Petitioner, Debtor also has a \$11,000⁰⁰ outstanding loan owed to her by John Prendergast M.D. and which has been served a demand letter, as well as \$30,000⁰⁰ due to her by the Social Security Administration which is the back payments of her Social Security Retirement Benefits.

Loandepot.com, The creditor will not be adversely affected by the Bankruptcy Proceeding

continuing with the stay in place based on the Court seriously considering the contents presented in Exhibit A.

Martha Bell, petitioner, debtor is sending a copy of her written statement to the Bankruptcy Court which she was denied to present verbally because she was not called by the Bankruptcy Court even though she participated by telephone in the Creditor's Meeting on December 17, 2018. She sent this written statement by Certified mail return receipt dated June 2nd 2019 to the Bankruptcy Court after Attorney Rodney Shepherd informed her that he was informing the Court that he was withdrawing his appearance informing her not to contact him again. He never sent her as verified by The Prison Mail Room her file, made any motions to compel Patricia Deliman to turn over the \$33,000⁰⁰ to the Court or hold her in contempt. He never contacted The Social Security Office on my behalf to secure my Social Security Retirement Funds as directed by the Commissioner

The Social Security Administration, Nancy A. Berryhill who I petitioned to in Washington D.C. per her ability to pay my benefits that have been withheld pursuant to Clause (v) of Title 42 Chapter 7 § 407 (v)(1)(A) Per (B) (iv) (II). Her office contacted him and told him to contact my Social Security Office in McKeesport, Pennsylvania, on my behalf.

Petitioner, debtor has never received anything which she can refer to in this appeal to further reinforce her petition in violation of her due process rights. She is being denied access to the courts. She is being discriminated against because of her age, disabilities both physical, mental and legal as well as her sex/gender. Because of all of these violations of her civil rights afforded to her by the U.S. Constitution she prays that this district court will grant her stay and appeal and reverse the dismissal of her Chapter 13 Bankruptcy case and reinstate this stay order to save her home as she will be homeless with a Sheriff Sale scheduled for Sept. 3, 2019.

The debtor, petitioner Martha Bell avers
that the contents of this petition and the
attached exhibit [Exhibit A] is true and
correct under penalty of perjury. Submitted
This 2ND day of July 2019.

Respectfully,

Martha Bell, PRO SE
Martha Bell PB0149
SCI MUNCY
P.O. Box 180
MUNCY, PA. 17756

Statement of Martha Bell Before the
Bankruptcy Court Scheduled For June 5
11a.m.

Case No. 18-23089-GLT

Your Honor, I am approaching this Honorable Court to ask that you reconsider your ruling to dismiss my Chapter 13 Bankruptcy Petition because of the following reasons:

1) I am under a legal disability because of my incarceration because of an alleged violation of my probation on a case occurring in October of 2004. I have appealed this incarceration because my probation was completed 4 years prior to my GAG II hearing of June 8, 2018.

2) Because of my incarceration I appointed Patricia M. Deliman of 116 Morningstar Drive, Belle Vernon, Pa. 15012 as my power of attorney and to interact with Rodney Shepherd my Bankruptcy Attorney. As of today's date she has not responded to inquiries as to the location of the funds which she was to pay to the Bankruptcy Court for the mortgage on my house located at 204 Castle Drive West Mifflin Pa. 15122. The amount she was responsible for was

Exhibit A

approximately \$33,000⁰⁰ - Social Security Retirement Funds from 1st Commonwealth Bank located in Pittsburgh, Pa and my pension funds located at CASHNET which is a debit card account. These pension funds are from my years as an educator with the Pennsylvania School System. Ms. Delimian informed me as well as Attorney Rodney Shephard that she was arranging to turn the funds over to LOANDEPOT thru Attorney Shephard. This never occurred. Attorney Shephard has a copy of her withdrawal of my funds from the 1st Commonwealth Bank leaving only \$0.48. I have written to CASHNET inquiring about these funds and as of this date I have not had a response. I have also filed a Police Report that has been turned over to the D.A.'s office who has turned it over to the Attorney General's Office of Pennsylvania. Ms. Delimian either has these funds on her or has misappropriated these funds and has committed fraud on the Court and I am making a motion at this time that this Honorable Court order her to turn over books, records, and accounting and funds that she has held as my power of attorney in this Bankruptcy Case and if she refuses to comply to hold her in contempt of Court and award damages equal to the amount of actual loss sustained including attorney fees and costs as this is a core proceeding.

3) I, in my petition to the Court which was received by the Court as of April 22, 2019 as a motion for reconsideration states the facts that I have the ability to be in compliance with the payments thru the funds due and owing to me from John Prendergast M.D. in the amount of \$11,000⁰⁰ and is anticipating that his check in this obligation will be satisfied.

Also, I have appealed the suspension of my Social Security Retirement Benefit Funds from March 2018 Thru the present date amounting to \$30,000⁰⁰ and have requested that per § 1305 to have my benefits continue until I receive a hearing.

Likewise, these funds are not being used for incarceration as ruled upon by the United States Supreme Court decision in *Bennett v Arkansas* 485 US 395, 99 L. Ed 2d 455, 108 S. Ct. 1204 Decided March 29, 1988.

I have also contacted Social Security Commissioner Nancy A. Bernaghill to, for good cause shown based on mitigating circumstances, pay the individual benefits that have been withheld pursuant to clause (v) of title 42 Chapter 7 § 402 (v) (1) (A) per (B) (iv) (II)

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I am now receiving my Teacher's pension in the amount of \$702.⁰⁰ at the prison each month and have These Funds to pledge to the payment plan.

My Criminal attorney Christine Selden from the Public Defender's Appellate Division has appealed for me to be released on "Bail Pending Appeal" as I should not be incarcerated on a conviction whose probation ended over 5 years ago as of Today's date.

4) In conclusion, I have asked for my case File from Attorney Shephard and as of this date I have never received this file so I am prejudiced in being able to respond specifically nor to present various exhibits I referred to in my Motion for reconsideration of April 20, 2019. Also, If my Bankruptcy is dismissed I am 73 years of age disabled and will be homeless and will lose various invaluable evidence relating to legal matters. If the Bankruptcy is continued the creditor LOANDEPOT will not be adversely affected as the mortgage is \$153,000⁰⁰ and the house has been Conservatively appraised at \$200,000⁰⁰. There is enough equity in the house to give the mortgage company the assurance of getting their investment repaid. Also, the Federal Government gives Mortgage Companies Tax Credit for loans in default. In conclusion I pray this Honorable Court Grant my Petition to continue my Bankruptcy, and if necessary Grant my motion to have me testify by Telephone Respectfully submitted Martha Bell

IN THE UNITED STATES DISTRICT
COURT OF THE WESTERN DISTRICT
OF PENNSYLVANIA

Martha Bell, debtor
Petitioner - Appellant

v

Ronda J. Winnecour
Bankruptcy Trustee
Respondent - Appellee

Case No. 18-23089 GLT

ORDER

On this the _____ day of _____ 2019
The Motion To Appeal Decision of Bankruptcy
Court of June 5, 2019 To Dismiss Chapter 13
Bankruptcy Case And to Request a Stay
Until Appeal Is Decided in Case No.
18-23089-GLT is hereby _____

The Honorable Judge

OF THE WESTERN DISTRICT OF
PENNSYLVANIA

Martha Bell, debtor
Petitioner - Appellant

Ronda J. Winnecoup
Bankruptcy Trustee
Respondent - Appellee

Case No. 18-23089-GLT

Motion To Appeal Decision of Bankruptcy Court
of June 5, 2019 To Dismiss Chapter 13 Bankruptcy
Case and to Request a Stay Until Appeal Is Decided

Proof OF SERVICE

I, Martha Bell, debtor, petitioner filing Prose hereby certify
that on this day the above Motion was served upon
the following persons by notice thru the U.S. Postal Mail
per the Mail Box Rule to:

The Honorable Gregory L. Taddone
5490 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219

Ronda J. Winnecoup
Suite 3250 USX Tower
600 Grant Street
Pittsburgh, PA 15219

Rodney Shepherd, Esquire
2403 Sidney Street Suite 201
Pittsburgh, PA 15203

Date: July 2, 2019

Martha Bell Prose
Martha Bell PRO/49
SCI Muncy
P.O. Box 180
Muncy, PA 17756

Certificate of Notice Page 12 of 12
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Martha Bell
Debtor

Case No. 18-23089-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lfin
Form ID: pdf900

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jul 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 12, 2019.

db +Martha Bell, 204 Castle Drive, West Mifflin, PA 15122-2931

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 12, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 10, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Cenlar FSB as servicer for LOANDEPOT.COM, LLC
bkgroup@kmlawgroup.com

Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com

Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov

Rodney D. Shepherd on behalf of Debtor Martha Bell rodsheph@cs.com

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 6